



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/718,263

11/20/2003

Kiyotaka Hirose

17096.003001

8182

7590

12/20/2004

Jonathan P. Osha  
ROSENTHAL & OSHA L.L.P.  
Suite 2800  
1221 McKinney  
Houston, TX 77010

EXAMINER

HAMDAN, WASSEEM H

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/718,263 | <b>Applicant(s)</b><br>HIROSE, KIYOTAKA |  |
|                              | <b>Examiner</b><br>Wasseem H Hamdan  | <b>Art Unit</b><br>2854                 |  |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-8 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/20/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: the word "speed" through out the specification is not the proper technical word (not descriptive word) for the subject matter. As described in the "Chambers Dictionary of Science and Technology", published in 1999, page 1082, the general definition of speed is: "The rate of change of distance with time of a body moving in a straight line or in a continuous curve". The examiner suggests replacing the word "speed" with -- time --, and where the word speed alone, to be replaced with -- processing time --.

Appropriate correction is required.

2. The disclosure is objected to because of the following informalities: page 1, line 13, -- the -- should be added after "include"; and on line 15 -- an --, should be added before "image".

### *Abstract*

3. The abstract of the disclosure is objected to because the form and legal phraseology often used in patent claims, such as "means", "said," and comprising should be avoided:

- a. On line 7, the abstract contains "comprising", should be avoided, and
- b. On lines 8, 10, 12, 14, 16, 18 and 20, the abstract contains "means", should be avoided.

Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

Art Unit: 2854

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. **The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.** The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Drawings***

4. The drawings are objected to because;
  - a. Box 50 of FIG. 2 requires a descriptive legend such as – COMPUTER –;
  - b. Box 10 of FIG. 2 requires a descriptive legend such as – PRINTER –;
  - c. Box 553 of FIG. 3 requires a descriptive legend such as – DATA-FOR-ANALYSIS STORING SECTION –;
  - d. Box 700 of FIG. 5 requires a descriptive legend such as – SCREEN –;

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement

Art Unit: 2854

Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Title***

5. The Title is objected to because; the word “SPEED” is not descriptive word for the subject matter. As explained above in the specification section of the office action. The examiner suggests replacing the word “speed” with – time --.

The following title is suggested: -- PRINT SYSTEM WHICH ANALYZES PROCESSING TIME AND A METHOD FOR KEEPING TRACK OF PRINTING PROCESS STATUS --.

***Claim Objections***

6. Claims 1-8 are objected to because of the following informalities: the word “SPEED” is not descriptive word for the subject matter. As explained above in the specification section of the office action. The examiner suggests replacing the word “speed” with – time --, and – processing time – where it is applicable.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 5, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki Kazuma (Japanese Patent Laid-Open No. 10-315576).

Note: Based on the objection for the “speed” as set forth in the office action, the examiner examined the claims based on “time (or duration) or processing time (or duration)” instead.

Regarding claims 1 and 7, Kazuma discloses a print system (and a method for claim 7) [Drawing 1; Drawing 2] having a printer host [1] and a printer [7], the printer host generating print data based on image data to the printer and outputting the print data the printer [page 11 section [0067]], and the printer interpreting the print data thus received and printing an image based on the print data [page 12, sections [0087-0091]], the print system comprising,

a print data generation speed calculating means which calculates a speed for generating the print data [page 5, sections [claim 1] and [claim 5]; page 7, section [008]];

a print data output speed calculating means which calculates a speed for outputting the print data [page 5, section [claim 6], lines 2-6; page 8, section [0014], lines 3-4; page 9, section [0038]];

a print data interpretation speed calculating means which calculates a speed for interpreting the print data [page 14, section [0113], lines 4-9; element 17 (based on the

Art Unit: 2854

applicant's admission in the specification, page 4, lines 5-6; "and a CPU of the printer that executes a stage interpreting the print data to perform printing.")] and

a processing speed analyzing means [1; 10] which obtains a print data generation speed calculated by the print data generation speed calculating means [page 5, section [claim 1]], a print data output speed calculated by the print data output speed calculating means and a print data [page 5, section [claim 6], lines 2-6; page 8, section [0014], lines 3-4; page 9, section [0038] interpretation speed calculated by the print data interpretation speed calculating means [page 14, section [0113], and outputs image data for displaying each speed thus obtained [page 7, section [006]; page 9, section [0043], lines 2-6].

Regarding claim 5, Kazuma discloses wherein said processing speed analyzing means performs each of said processes at predetermined intervals [page 5, section [claim 3] in Kazuma processes at predetermined intervals is the same as the change hour entry for data processing time].

Regarding claim 6, Kazuma discloses wherein, said print data generation speed calculating means calculates a print data generation speed based on a print data amount generated within a unit of time [page 5, [claim 1], lines 4-6 (again in Kazuma the unit of time is the same as the processing time; [claim 5]; page 7, section [008]],

said print data output speed calculating means calculates a print data output speed based on the print data amount outputted within a unit of time [page 5, section [claim 6], lines 2-6; page 8, section [0014], lines 3-4; page 9, section [0038], and

Art Unit: 2854

said print data interpretation speed calculating means calculates a print data interpretation speed based on a print data amount interpreted within a unit of time [page 14, section [113], lines 4-9; element 17 (based on the applicant's admission in the specification, page 4, lines 5-6; "and a CPU of the printer that executes a stage interpreting the print data to perform printing.")].

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki Kazuma (Japanese Patent Laid-Open No. 10-315576) in view of Rinzo et al. (Japanese Patent Laid-Open No. 2000-293327).

Regarding claims 2 and 8, Aoki Kazuma discloses a printer ability storing means [page 8, section [0015]] which stores a speed for interpreting the print data of said printer [page 7, section [0008], lines 4-7; page 14, section [113], lines 4-9; elements 17 and 19], wherein,

said processing speed analyzing means obtains from said printer ability storing means the speed for interpreting the print data [page 7, section [0008], lines 4-7; page 14, section [113], lines 4-9; elements 17 and 19], and includes a display speed in said image data of the print data interpretation said processing speed [page 7, section [006]; page 9, section [0043], lines 2-6].

Regarding claim 8, Aoki Kazuma discloses information regarding a printing process status is displayed [page 7, section [006]; page 9, section [0043], lines 2-6] according to a



Art Unit: 2854

predetermined rule [rule here means a computer program or the like; Aoki discloses a control program for each section of the analysis, i.e. for the storage, data generating and printing, page 6, [claims 12-14]; sections {0060} and [0063]], based on said each speed thus calculated and a print data interpretation speed of said printer [page 14, section [113], lines 4-9].

Regarding claims 2 and 8 Aoki Kazuma discloses the essential elements of the claimed invention. However, Aoki Kazuma is silent about the processing time to be maximum ("maximum speed" per the claim language). Rinzo et al. discloses the processing time to be maximum (if the buffer size is maximum, the transfer rate is maximum, and hence the processing time is maximum) [Rinzo et al. [solution, page 211-13]; also by the applicant admission on page 3, lines 8-15 in the specification] . It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Aoki Kazuma by including maximum speed, since Rinzo et al. teaches that maximum speed would be beneficial for the purpose of having the buffer size for print data close to maximum size in which the most efficient transfer can be performed [Rinzo et al. [solution, page 211-13]].

### ***Allowable Subject Matter***

11. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten:

- a. to overcome the objection set forth in this office action; and
- b. in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2854

Regarding claim 3, the prior art of record does not teach all the combined elements and components for a print system, including the “speed” (processing time) analyzing means refers to said analysis rule, and performs a process as defined in said analysis rule, based on thus obtained print data generation speed, print data output speed, print said processing data interpretation “speed” (processing time), as well as including in said image data the contents to be displayed, which are defined in said analysis rule.

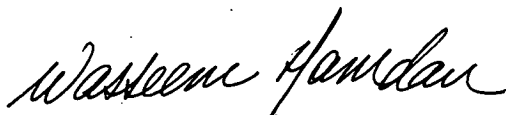
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record does not teach all the combined elements and components as discussed above in the “examiner’s statement of reasons for allowance”.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wasseem H Hamdan whose telephone number is (571) 272-2166. The examiner can normally be reached on M-F (first Friday off) 6:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, reading "Wasseem H. Hamdan".

Wasseem H. Hamdan

November 18, 2004